

JOURNAL OF THE SENATE

EIGHTY-SEVENTH SESSION

FOURTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Friday, January 13, 2012

The Senate convened at 12:30 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Larry Cass, followed by the Pledge of Allegiance led by Senate page Lauren Nelson.

Roll Call: All members present except Sens. Buhl, Krebs, Nygaard, Peters, and Putnam who were excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the third day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Bob Gray, Chair

Which motion prevailed.

COMMUNICATIONS AND PETITIONS

December 19, 2011

The Honorable Matt Michels
President of the Senate
500 East Capitol Avenue
Pierre, SD 57501-5070

Dear Mr. President and Members of the Senate:

Pursuant to the provisions of Chapter 1-45 of the South Dakota Codified Laws and subject to your consent, I have the honor to inform you that I have reappointed Patricia Simmons, Minnehaha County, Sioux Falls, South Dakota, to the South Dakota Board of Education.

This appointment is effective immediately, and shall continue until December 31, 2015.

Sincerely,
Dennis Daugaard
Governor

The President announced the referral of the reappointment to the Committee on Education.

December 19, 2011

The Honorable Matt Michels
President of the Senate
500 East Capitol Avenue
Pierre, SD 57501-5070

Dear Mr. President and Members of the Senate:

Pursuant to the provisions of Chapter 1-45 of the South Dakota Codified Laws and subject to your consent, I have the honor to inform you that I have appointed Terry Sabers, Davison County, Mitchell, South Dakota, to the South Dakota Board of Education.

This appointment is effective immediately, and shall continue until December 31, 2015.

Sincerely,
Dennis Daugaard
Governor

The President announced the referral of the appointment to the Committee on Education.

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- 1 (4) Gratuitous care of friends or members of the family;
- 2 (5) Domestic administration of family remedies, or care of the sick by domestic servants,
3 housekeepers, companions or household aides of any type, whether employed
4 regularly or because of an emergency or illness, but who shall not in any way assume
5 to practice nursing as defined in this chapter;
- 6 (6) The nursing or care of the sick, with or without compensation, when done in
7 connection with the practice of the religious tenets of any church by adherents
8 thereof, so long as they do not engage in the practice of nursing as defined in this
9 chapter;
- 10 (7) The practice of nursing in this state by a nurse currently licensed in another state or
11 territory whose employment requires her to accompany and care for a patient in
12 South Dakota during one such employment not to exceed three months in length;
13 provided, however, that such person shall not hold herself out to be licensed in this
14 state;
- 15 (8) The practice of the functions of a certified registered nurse anesthetist by a registered
16 nurse enrolled as a student in an approved program for the preparation of certified
17 registered nurse anesthetists;
- 18 (9) The practice of nursing in this state by a nurse currently licensed in another state,
19 territory or foreign country who is present in this state to lecture relative to the
20 practice of nursing for a period of not more than five days;
- 21 (10) The administration of medications, other than by the parenteral route, by staff of
22 community support providers, group homes, and supervised apartments certified or
23 approved by the ~~Department of Social Services~~ Department of Human Services,
24 when under the supervision of a licensed registered nurse. The ~~Department of Social~~
25 ~~Services~~ Department of Human Services, in consultation with the South Dakota
26 Board of Nursing, shall promulgate rules pursuant to chapter 1-26 for administration
27 of medications by such staff;
- 28 (11) The assistance with or performance of bowel and bladder care, other than the
29 insertion or removal of suprapubic and foley catheters, by domestic servants,
30 housekeepers, companions or household aides, at the direction of a person needing
31 such care who resides independently outside of any hospital, nursing or health care
32 facility or other similar institutional setting;
- 33 (12) The administration of medications, other than by the parenteral route, by staff of
34 community mental health centers, community mental health residential facilities, and
35 community support services programs certified or approved by the Department of
36 Social Services. The administration of medications shall be under the direct or
37 indirect supervision of a registered nurse. The Department of Social Services and the
38 South Dakota Board of Nursing shall promulgate rules pursuant to chapter 1-26 for
39 administration of medications by such staff;

1 (13) The services performed in accordance with § 28-8A-10 by a personal attendant when
2 acting at the direction of a person with a disability;:

3 (14) The practice of nursing included in a program of study by a registered nurse enrolled
4 in an approved program for the preparation of a clinical nurse specialist."

5 And that as so amended said bill do pass.

6 Respectfully submitted,
7 Jean M. Hunhoff, Chair

8 **REPORT OF JOINT-SELECT COMMITTEE**

9 MR. PRESIDENT:

10 Your Joint-Select Committee appointed on joint rules respectfully reports that it has had
11 under consideration the joint rules and recommends that the joint rules of the Eighty-sixth
12 Legislative Session be adopted as the joint rules of the Eighty-seventh Legislative Session with
13 the following changes:

14 The deadline for All Bill Drafts with Sponsors due back in LRC by 5 PM moves from the
15 12th Legislative Day to the 10th Legislative Day.

16 The Final Day to introduce individual Bills and Joint Resolutions moves from the
17 13th Legislative Day to the 10th Legislative Day.

18 The Final Day to introduce committee bills and joint resolutions moves from the
19 14th Legislative Day to the 11th Legislative Day.

20 **CHAPTER 17. LEGISLATIVE DEADLINES**

Legislative Deadlines			
Legislative Action	40 Day Session	33 Day Session	
Final day for introduction of individual bills and joint resolutions	15 th Day	10 th Day	
Final day for introduction of committee bills and joint resolutions*	16 th Day	11 th Day	
Last day upon which Joint Rule 5-17 can be invoked on a bill or resolution in either house	26 th Day	19 th Day	
Last day to move required delivery of bills or resolutions by a committee to the house of origin*	27 th Day	20 th Day	
Last day to pass bills or joint resolutions by the house of origin*	28 th Day	21 st Day	
Final day for introduction of concurrent resolutions	28 th Day	26 th Day	

1	During the seven final legislative days motions to	34 th Day on	27 th Day on
2	reconsider and reconsideration being made upon the		
3	same day (any time before adjournment)		
4	Last day to move required delivery of bills or	35 th Day	28 th Day
5	resolutions by a committee to the second house*		
6	Last day for a bill or joint resolution to pass both	36 th Day	29 th Day
7	houses*		
8	Two days preceding the final two days of a	37 th Day	30 th Day
9	legislative session shall be reserved for concurrences	38 th Day	31 st Day
10	or action upon conference committee reports		
11	The final day of a legislative session is reserved for	40 th Day	33 rd Day
12	the consideration of vetoes		
13	* This deadline does not apply to the general appropriations bill.		

14 **17-1. Calendar less than 40 days.** If a Session Calendar is adopted for a period of thirty-six
 15 (36) days to thirty-nine (39) days, inclusive, the legislative deadlines set forth in Chapter 17 of
 16 the Joint Rules for a thirty-five (35) day session shall be increased by the same number of days
 17 by which the length of the adopted calendar exceeds thirty-five (35) days.

18 The joint rules and the rules of the Senate and House shall be printed in the House Journal.

19 Respectfully submitted,
 20 Val Rausch
 21 David Lust
 22 Bernie Hunhoff
 23 House Committee

Respectfully submitted,
 Bob Gray
 Russell Olson
 Jason Frerichs
 Senate Committee

24 MOTIONS AND RESOLUTIONS

25 Sen. Gray moved to amend the 2012 Session Calendar by moving Legislative Day 5 to
 26 Thursday, January 19, 2012; Legislative Day 32 to Friday, March 2, 2012; Legislative Day 33
 27 to March 19, 2012, eliminating Legislative Days 34 and 35 and adjusting the remaining
 28 Calendar appropriately.

29 Which motion prevailed.

30 CONSIDERATION OF REPORT OF COMMITTEE

31 Sen. Olson moved that the report of the Standing Committee on

32 Commerce and Energy on SB 11 as found on page 50 of the Senate Journal be adopted.

33 Which motion prevailed.

1 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

2 SB 58 Introduced by: Senators Schlekeway, Bradford, Buhl, Frerichs, Gray, Haverly,
3 Heineman, Holien, Hunhoff (Jean), Juhnke, Novstrup (Al), Olson (Russell), Peters,
4 Rempelberg, and Rhoden and Representatives Kirkeby, Abdallah, Boomgarden, Deelstra,
5 Fargen, Hansen (Jon), Hickey, Hoffman, Kopp, Lucas, Lust, Olson (Betty), Rausch, Sly, Tulson,
6 Turbiville, Verchio, Wick, and Willadsen

7 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning elections
8 conducted at voting centers and to declare an emergency.

9 Was read the first time and referred to the Committee on Local Government.

10 Sen. Olson moved that SB 7, 12, 13, 26, 27, 28, 53, and 54 be deferred to Thursday,
11 January 19, the 5th legislative day.

12 Which motion prevailed.

13 Sen. Bradford moved that the Senate do now adjourn, which motion prevailed and at
14 1:00 p.m. the Senate adjourned.

15 Fee Jacobsen, Secretary